

FILED

December 16, 2024

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**BY: NM
DEPUTY**UNITED STATES OF AMERICA,****v.****(1) HOMERO ZAMORANO, JR.**§
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§**NO. SA-22-CR-00366-OLG****ORDER ADOPTING REPORT AND RECOMMENDATION**

The Court has considered United States Magistrate Judge Elizabeth S. Chestney's Report and Recommendation (R&R), filed November 6, 2024, concerning Defendant's Motion to Dismiss or Suppress for Outrageous Government Conduct (Dkt. No. 285) and Motion to Dismiss Charging Statute's Penalty Provisions as Void for Vagueness (Dkt. No. 286). (*See* R&R, Dkt. No. 319.)

A party who wishes to object to a Magistrate Judge's findings and recommendations must serve and file specific written objections within fourteen days. FED. R. CIV. P. 72(b)(2). Defendant, through counsel, was electronically served with a copy of the R&R on November 6, 2024, (*see* Dkt. No. 319) and timely filed his objections on November 20, 2024 (*see* Dkt. No. 320).

When a party objects to an R&R, the Court must make a de novo determination as to "any part of the magistrate judge's disposition that has been properly objected to." FED. R. CIV. P. 72(b)(3); *see United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989), *cert. denied*, 492 U.S. 918 (1989). Objections must be specific; frivolous, conclusory, or general objections need not be considered by the district court. *Battle v. U.S. Parole Comm'n*, 834 F.2d 419, 421 (5th Cir. 1987) (quoting *Nettles v. Wainwright*, 677 F.2d 404, 410 n.8 (5th Cir. 1982), *overruled on other grounds by Douglass v. U.S. Auto. Ass'n*, 79 F.3d 1415 (5th Cir. 1996)). Any portions of the Magistrate Judge's findings or recommendations that were not objected to are reviewed for clear error. *Wilson*, 864 F.2d at 1221.

The Court, having reviewed the entirety of the R&R de novo, finds that it is in all things correct and that Defendant's objections should be and hereby are overruled. Accordingly, the Court **ADOPTS** the Magistrate Judge's R&R (Dkt. No. 319) and, for the reasons set forth therein, Defendant's Motion to Dismiss or Suppress for Outrageous Government Conduct (Dkt. No. 285) and Defendant's Motion to Dismiss Charging Statute's Penalty Provisions as Void for Vagueness (Dkt. No. 286) are **DENIED**.

It is so **ORDERED**.

SIGNED this 14 day of December, 2024.

A handwritten signature in blue ink, appearing to read 'Orlando L. Garcia', written over a horizontal line.

ORLANDO L. GARCIA
United States District Judge